

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carter Salis	Team: Squad #4	CCRB Case #: 201906262	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) NA, 05/___/2019 8:30 AM, NA, 06/___/2019 8:30 AM	Location of Incident: 105th Precinct Stationhouse	Precinct: 105	18 Mo. SOL 11/1/2020	EO SOL 6/18/2021	
Date/Time CV Reported Wed, 07/17/2019 2:55 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 07/17/2019 2:55 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Joseph Grubert	17450	940221	105 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Joseph Grubert	Discourtesy: On an unknown date in May 2019, Police Officer Joseph Grubert spoke discourteously to § 87(2)(b)	
B.POM Joseph Grubert	Abuse: On an unknown date in May 2019, Police Officer Joseph Grubert threatened to arrest § 87(2)(b)	
C.POM Joseph Grubert	Discourtesy: On an unknown date in June 2019, Police Officer Joseph Grubert spoke discourteously to § 87(2)(b)	

Case Summary

On July 17, 2019, § 87(2)(b) called the CCRB and filed this complaint.

On an unknown date in May 2019, § 87(2)(b) appeared at the 105th Precinct stationhouse in Queens to file a complaint against her former partner, § 87(2)(b). § 87(2)(b) spoke to an unidentified Police Administrative Assistant (PAA). PO Joseph Grubert, of the 105th Precinct, approached and told the unidentified PAA not to file § 87(2)(b)'s complaint because she was paranoid (**Allegation A: Discourtesy**, § 87(2)(g)). § 87(2)(b) stated that she had photo evidence to support her complaint. PO Grubert told § 87(2)(b) "If you show me old pictures, I'll arrest you right now" (**Allegation B: Abuse of Authority**, § 87(2)(g)). PO Grubert left.

On an unknown date in June 2019, § 87(2)(b) appeared at 105th Precinct stationhouse in Queens and spoke to an unidentified PAA about her complaint. PO Grubert approached and told the unidentified PAA, "Don't take this woman's complaint, she is paranoid" (**Allegation C: Discourtesy**, § 87(2)(g)). PO Grubert left.

§ 87(2)(b) was not arrested or issued a summons in relation to these incidents.

There is no known video evidence in this case.

Findings and Recommendations

Allegation (A) Discourtesy: On an unknown date in May 2019, Police Officer Joseph Grubert spoke discourteously to § 87(2)(b)

Allegation (B) Abuse of Authority: On an unknown date in May 2019, Police Officer Joseph Grubert threatened to arrest § 87(2)(b)

§ 87(2)(b) (**BR 01**) could not provide an incident date, although she believed the incident occurred on a Wednesday in May 2019. § 87(2)(b) testified that she detailed her complaint to an unidentified PAA. PO Grubert and an unidentified officer approached them. PO Grubert told the unidentified PAA not to file § 87(2)(b)'s complaint because she was paranoid and had previously filed false complaints against § 87(2)(b). § 87(2)(b) told PO Grubert that she possessed photo evidence to support her case. PO Grubert told § 87(2)(b) "If you show me old pictures, I'll arrest you right now." PO Grubert and the unidentified officer then walked away.

The investigator reviewed the 105th Precinct Command Log, Roll Call, and Memo Book entries for every male domestic violence officer on May 1, 2019 (**BR 05**), May 8, 2019 (**BR 06**), May 15, 2019 (**BR 07**), May 22, 2019 (**BR 08**), and May 29, 2019 (**BR 09**). None of the available evidence documents § 87(2)(b)'s presence at the 105th Precinct stationhouse on any Wednesday in the month of May 2019.

PO Grubert (**BR 02**) testified that, on an unknown date between November 2018 and August 2019, he received a call from the stationhouse front desk that § 87(2)(b) had appeared and requested to speak to a domestic violence officer. PO Grubert approached § 87(2)(b) and asked how he could assist her. PO Grubert was not accompanied by any other officer and was uncertain whether any officer or PAA was present for his conversation with § 87(2)(b). PO Grubert told § 87(2)(b) if she was found to be lying on a police report, she could be arrested for falsifying a police report. PO Grubert regularly makes this statement to inform complainants that it is illegal to file a false police report. PO Grubert did not believe that § 87(2)(b) was attempting to file a false police report and the statement was not in response to any particular action that § 87(2)(b) had taken. PO Grubert did not recall § 87(2)(b) possessing a folder or attempting to present photo evidence to support her complaint. PO Grubert did not recall telling § 87(2)(b) "If you show me old photos, I'll arrest you right now." PO Grubert never called § 87(2)(b) paranoid.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Discourtesy: On an unknown date in June 2019, Police Officer Joseph Grubert spoke discourteously to § 87(2)(b).

§ 87(2)(b) testified (**BR 01**) that, on an unknown date in early June, she appeared at the 105th Precinct stationhouse and waited in the stationhouse complaint room. § 87(2)(b) spoke to an unidentified PAA about the substance of her complaint. PO Grubert appeared in the complaint room and told the unidentified PAA, “Don’t take this woman’s complaint, she is paranoid.”

PO Grubert testified (**BR 02**) that, to his recollection, he has only interacted with § 87(2)(b) at the stationhouse on one occasion. PO Grubert did not recall any interaction matching the description of this incident. PO Grubert did not recall telling any person, including § 87(2)(b) “Don’t take this woman’s complaint, she is paranoid.”

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 03**).
- Police Officer Joseph Grubert has been a member-of-service for thirteen years and has been a subject in six other CCRB complaints and sixteen other allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- On October 2, 2019, this case was sent to mediation. On November 15, 2019, the case was returned to investigations as the complaint was no longer suitable for mediation.
- On November 21, 2019, a FOIL request was submitted to the Office of the Comptroller to determine if any Notice of Claim had been filed in relation to this incident. The requested information will be added to the case file upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**BR 04**).

Squad No.: Squad 4

Investigator:

Signature

Investigator Carter Salis

Print Title & Name

11/21/19

Date

Squad Leader:

Signature

Print Title & Name

Date

Reviewer:

Signature

Print Title & Name

Date

